

PATENT

Robert F. Balint *et al.*,
Application No.: 09/764,163
Page 2

The Examiner has stated that claims 24 and 50 are generic. Group VII claims 50-53 depend from Group V claims, contain all of the limitations of the Group V claims and represent different embodiments of generic claim 24. For the above reasons, Applicants respectfully request that Group VII claims be rejoined with Group V claims.

The Examiner indicated that Applicants were required to elect the following species for the purposes of search of Group V claims:

Subgroup 14: the fusion protein is comprised of a bacterial signal peptide *e.g.* PelB, a first oligopeptide thioredoxin *e.g.* BW10-1, a second oligopeptide thioredoxin *e.g.* p44-4-2, a β -lactamase marker, a linker (Gly₄Ser)₃, and a breakpoint E197,L198. Claims 27, 34-38, and 40-46 read on this election;

Subgroup 15: the detectable signal is ampicillin resistance;

Subgroup 16: the third oligopeptide species is CD40ED (extra-cellular domain);

Subgroup 17: no species of tripeptide is elected;

Subgroup 18: the species of β -lactamase is TEM-1;

Subgroup 19: no mutant β -lactamase is elected;

Subgroup 20: the species of junction is E197, L198;

Subgroup 21: the species of translocation is to the bacterial cell periplasm;

Subgroup 22: the species of cell is *E. coli*;

Subgroup 23: the species of fusion protein type is a secreted protein;

If the Examiner rejoins Group VII claims to Group V claims, Applicants elect the following species for the purposes of search of Group VII claims:

Subgroup 24: the fusion protein is comprised of a bacterial signal peptide *e.g.* PelB, a first oligopeptide thioredoxin *e.g.* BW10-1, a second oligopeptide thioredoxin *e.g.* p44-4-2, a β -lactamase marker, a linker (Gly₄Ser)₃, and a breakpoint E197,L198. Claims 51, 53, and 54 read on this election;

Subgroup 25: the detectable signal is ampicillin resistance;

Robert F. Balint *et al.*,
Application No.: 09/764,163
Page 3

PATENT

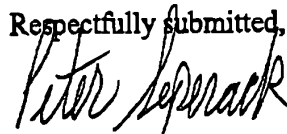
Subgroup 26: the third oligopeptide is CD40ED (extra-cellular domain);
Subgroup 27: the species of library is the antibody light chain variable region library;
Subgroup 28: the species of association is bimolecular tripartite association.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 576-0200.

Respectfully submitted,



Peter K. Seperack
Reg. No. 47,932

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: 415-576-0300
PKS
SF 1415490 v1